

**Introduced by Senator Simitian**

February 22, 2007

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An act to add Section 41713 to the Health and Safety Code, relating to air pollution.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 509, as introduced, Simitian. State Air Resources Board: regulations: formaldehyde.

(1) Existing law requires the State Air Resources Board to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, if the state board determines that the regulations are necessary to attain state and federal ambient air quality standards and are commercially and technologically feasible and necessary.

This bill would require the state board, notwithstanding that provision, to adopt regulations to require that composite wood products, and the end-use applications for which those products are utilized, that are shipped into or manufactured within this state, comply with an emissions standard equivalent to a European Union standard for formaldehyde emissions.

(2) Existing law generally provides that a violation of various laws, rules, and regulations relating to air pollution is a crime.

Because the bill would require the state board to adopt regulations the violation of which would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) In June 2004, the International Agency for  
2 Research on Cancer (IARC), a part of the World Health  
3 Organization, reclassified formaldehyde as a known human  
4 carcinogen based on sufficient evidence in both humans and  
5 experimental animals. The IARC Working Group also concluded  
6 there is "... strong but not sufficient evidence for a causal  
7 relationship between leukemia and occupational exposure to  
8 formaldehyde."

9 (b) California has long known formaldehyde to be a danger to  
10 humans and in 1992 the Office of Environmental Health Hazard  
11 Assessment declared formaldehyde a toxic air contaminant and,  
12 "... that formaldehyde be treated as having no safe threshold  
13 exposure level below which no significant adverse health impacts  
14 are anticipated."

15 (c) In spite of the overwhelming and longstanding concerns  
16 over the safety of formaldehyde emissions, there are no regulations  
17 regarding these emissions in the United States. The European  
18 Union, Japan, and China each have domestic regulations limiting  
19 the amount of formaldehyde that can be emitted from these  
20 products.

21 (d) The dangers to Californians from exposures to the release  
22 of formaldehyde contained in composite wood products in the  
23 home environment is of particular concern due to the increased  
24 exposures for children, who are especially susceptible to this  
25 carcinogenic toxin.

26 SEC. 2. Section 41713 is added to the Health and Safety Code,  
27 to read:

28 41713. Notwithstanding Section 41712, the state board shall  
29 adopt regulations to require that composite wood products,  
30 including, but not limited to, hardwood plywood, medium-density  
31 fiberboard, and particleboard, and the end-use applications for  
32 which those products are utilized, including, but not limited to,  
33 kitchen cabinets, casework, and furniture, that are shipped into or

1 manufactured within this state, comply with an emissions standard  
2 equivalent to the European Union E1 Standard for formaldehyde  
3 emissions.

4 SEC. 3. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.